

# Notice of Allowability

Application No.

09/910,382

Examiner

Arnel C. Lavarias

Applicant(s)

RUCK ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/9/04.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 06 May 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

THONG NGUYEN  
PRIMARY EXAMINER  
GROUP 2800

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments to Claims 1, 6, and 13 in the submission dated 1/9/04 are acknowledged and accepted. In view of these amendments to the claims, the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, in Section 7 of the Office Action dated 10/1/03 are respectfully withdrawn.
2. The addition of Claims 21-27 in the submission dated 1/9/04 is acknowledged and accepted.

### ***Response to Arguments***

3. The Applicants' arguments, see in particular Pages 10-12 of the submission, filed 1/9/04, with respect to the rejections of Claims 1, 6, and 13 under 35 U.S.C. 103(a) have been fully considered and are persuasive. The rejections of Claims 1-20 in the Office Action dated 10/1/03 have been withdrawn.

## **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance:

Claims 1, 6, and 13 are allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a wavemeter, software product, and method for determining a wavelength of an incoming optical beam, as generally recited in the claimed combinations of Claims 1, 6, and 13, the wavemeter,

software product, and method all particularly including a coarse-measuring unit for determining a first wavelength range and with a first accuracy, a first wavelength value as representing the wavelength of the incoming optical beam, wherein the coarse-measuring unit comprises a beam splitter adapted for splitting up a received beam derived from the incoming optical beam into a first beam towards a first detector and a second beam directed towards a second detector. Claims 2-5, 7-12, 14-20, and 27 are dependent on Claims 1, 6, and 13, and hence are also allowable for the same reasons Claims 1, 6, and 13 are allowable.

Claim 21 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a method for determining a wavelength of an incoming optical beam, as generally set forth in the claimed combination of Claim 21, and particularly including the step selecting a value of the plurality of second wavelength values by determining a target wavelength range around the first wavelength value and selecting the second wavelength value that falls within the target wavelength range. Claims 22-26 are dependent on Claim 21, and hence are also allowable for the same reasons Claim 21 is allowable.

With regard to Claim 21, the Examiner notes that the closest cited art of record is Knowles et al. (U.S. Patent No. 5991324). Knowles et al. discloses a method for determining a wavelength of an incoming optical beam (See Figure 10; col. 9, line 19- col. 11, line 29), however, this method lacks the steps of receiving first signals from a first and second detector disposed in a coarse-measuring unit; receiving second signals from a third and fourth detector disposed in a fine-measuring unit. It is noted that the

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wavelength measurement device of Knowles et al. includes a two detection units, one shared by both the coarse- and fine-measuring units (See 80 in Figure 10), and one used to perform power/intensity measurements of the output beam (See 72 in Figure 10). It would not have been obvious to one having ordinary skill in the art at the time the invention was made to alter both the coarse- and the fine-measuring units to each include two detection units.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 8:30 AM - 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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4/8/04



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